



PATENT APPLICATION

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Takuya SEKO, et al.

Appln. No.: 09/743,393

Group Art Unit: 1614

Confirmation No.: 2333

Examiner: Not yet assigned

Filed: January 10, 2001

For: AMINO ACID DERIVATIVES AND PHARMACEUTICAL COMPOSITION
□COMPRISING, AS ACTIVE INGREDIENTS, THEM

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, D.C. 20231

Sir:

04/29/2002 GANTHONY 00000002 194880 09743393
Sale Ref: 00000002 DAI: 194880 09743393
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Response to the Office Action dated January 24, 2002¹, Applicants elect, with traverse,

Group I, claims 1-5, 8-10 and 12-15 in part, drawn to a compound wherein R¹ is thiazolidinyl, R³ is a carbocyclic ring and R⁴ is a heterocyclic ring, the composition and method of use. Further Applicants select (2R)-N-(1-benzylpiperidin-4-yl)-3-cyclohexylmethylthio-2-((4R)-3-(3,3-dimethylbutyryl) thiazolidin-4-ylcarbonylamino)propanamide disclosed in Example 11(2) as the elected species.

Applicants respectfully traverse the restriction/election requirement and submit that it is unclear whether the elected species falls within Group I or Group III. As shown on the attached

¹ Applicants note that a three month response period was set in the Office Action dated January 24, 2002, therefore the response is timely filed on April 24, 2002.

Response to Restriction/Election Requirement
U.S. Appln. No. 09/743,393

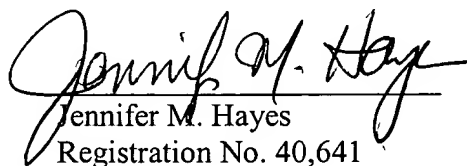
sheet, it is not clear whether R³ of the compound of the elected species is considered as a carbocyclic ring within the scope of Group I, or a C₁₋₄ alkyl substituted with a carbocyclic ring within the scope of Group III. Further Applicants submit that R¹ of the claimed invention should be classified as a heterocyclic ring as recited in the claims instead of as a thiazolidinyl as recited by the Examiner.

Applicants thank the Examiner for discussing this matter during a telephone conversation on April 23, 2002, in which the Examiner indicated that the restriction requirement would be reconsidered upon election of a species.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

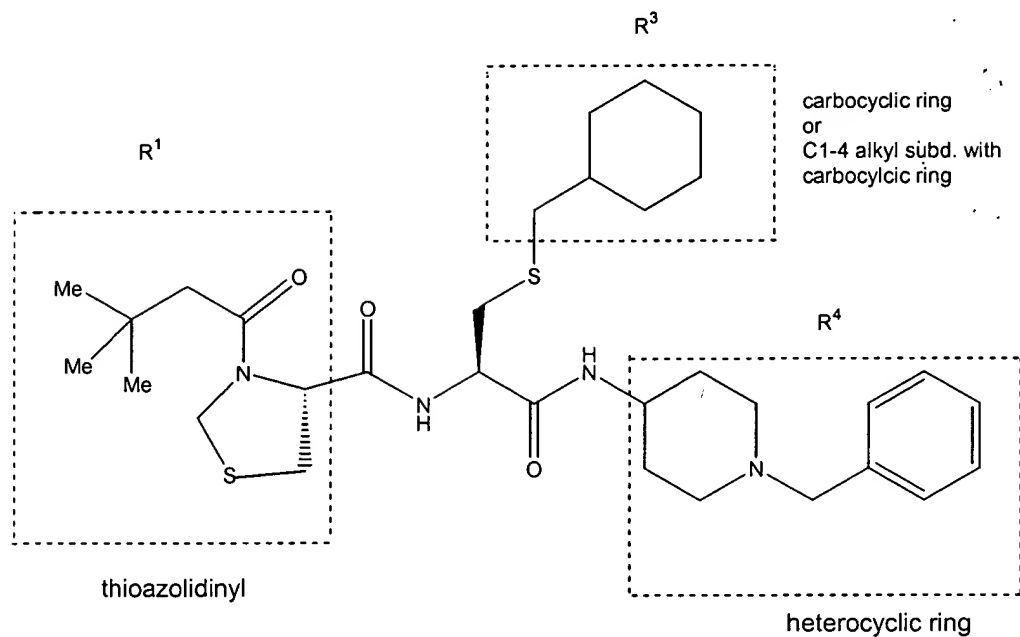
Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


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ATTACHMENT



Restriction Requirement According to the Examiner

	R ¹	R ³	R ⁴
Group I	 thiazolidinyl	carbocyclic ring	heterocyclic ring
Group II	 thiazolidinyl	carbocyclic ring	carbocyclic ring
Group III	Scope other than Group I or Group II		